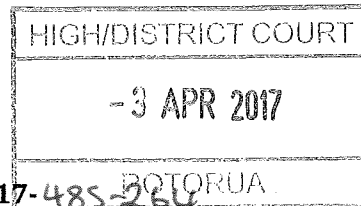


IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY



CIV-2017-485-264

IN THE MATTER OF

the Marine and Coastal
Area (Takutai Moana) Act
2011 (the Act)

AND IN THE MATTER OF

an application by LARRY
DELAMERE of
WHAKATOHEA OPOTIKI
for an order recognising
Customary Marine Title
and Protected Customary
Rights
Applicant

AND

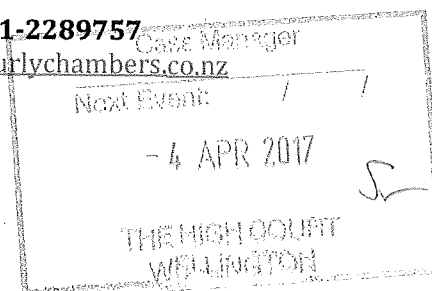
The Attorney General in
right of the Crown

APPLICATION OF LARRY DELAMERE FOR WHAKATOHEA HAPU
RECOGNITION ORDERS PURSUANT TO THE MARINE AND COASTAL
AREA (TAKUTAI MOANA) ACT 2011

DATED 1ST April 2017

Foster Milroy
Solicitors
Principal: Mark Milroy
4 Knox Street
P.O. Box 207
Hamilton Central
Hamilton
3204
Phone: 07-8388020
Email: mark@fmlawyers.co.nz

Counsel Acting:
C Hirschfeld/T Sinclair/B Tūpara
Ranfurly Chambers
Barristers-at-Law
10 Kaihu Street
Northcote
Auckland
0627
Mobile: 021-2289757
Email: charl@ranfurlychambers.co.nz



To: The Registrar of the High Court at Auckland;

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. **LARRY DELAMERE**, the applicant, will apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act") to recognise the customary marine title and protected customary rights of WHAKATOHEA Pakowhai hapu as directed by;

Pakowhai Hapu of Whakatohea.

Protected Customary Rights

2. WHAKATOHEA PAKOWHAI HAPU utilized the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna and other customary practices and activities.

The Applicant Group:

3. WHAKATOHEA hapu ancestor is Muriwai. WHAKATOHEA PAKOWHAI HAPU is the applicant group.

Area to which the application relates:

4. The area to which this application relates is the common marine and coastal area (as defined in s9 of the Act) that is from;
 - a. East Waiotaha Drifts by Te Moana of Pakihikura then along the beach Eastward to Hikuwai, which were well known fishing grounds
5. This application is to protect Whakatohea Pakowhai hapu customary rights and interests and seek customary marine title of the areas as shown in the attached map, EXHIBIT "A".

Grounds on which the customary marine title application is made:

- 6 The grounds on which this order is sought are that :
 - a. WHAKATOHEA PAKOWHAI HAPU has held the application area in accordance with tikanga since before 1840
 - b. WHAKATOHEA PAKOWHAI HAPU has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.

7. WHAKATOHEA PAKOWHAI HAPU will deliver further evidence once funding for research and legal representation is secured.

Contact Details:

- 8 LARRY DELAMERE for APPLICANT HAPU is:
c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627

9. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of LARRY DELAMERE.

Dated at Opotiki on the 1st day of April 2017



LARRY DELAMERE.



**AUTHORITY TO ACT IN RELATION TO THE COASTAL AND MARINE AREA ACT
2011(instructing solicitor and counsel)**


Whereas I have signed an authority to act for counsel with then an instructing solicitor to be nominated by me I instruct the following to be respectively my instructing solicitor (Foster Milroy) and Charl Hirschfeld and others of his chambers to be counsel

**Foster Milroy
Solicitors
Principal: Mark Milroy
4 Knox Street
P.O. Box 207
Hamilton Central
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3204
Phone: 07-8388020
Email: mark@fmlawyers.co.nz**

**Counsel Acting:
C Hirschfeld/T Sinclair/B Tūpara
Ranfurly Chambers
Barristers-at-Law
10 Kaihu Street
Northcote
Auckland
0627
Mobile: 021-2289757
Email: charl@ranfurlychambers.co.nz**

For the avoidance of doubt Charl Hirschfeld will be leading the case and he will be remunerated by me unless I instruct otherwise. I also instruct that the court proceedings in this case be filed in the Auckland High Court.

My contact details are as follows:

Name: LARRY TAKAMONA DELAMERE
Email: o/p Houpoto.te.pua@gmail.com
Phone: 07-3155627 - 021-0511845
Address: 32 ELLIOT STREET, OPOTIKI - P.O. BOX 460 OPOTIKI
Signed: 
Date: 1.4.2017

As the undersigned above I understand that the instructions relate to

- Customary marine title and protected customary rights concerning my iwi, hapū or whānau under legislative recognised relationships in connection with certain parts of the marine and coastal area. *Whakatōhea application.*



AUTHORITY TO ACT IN RELATION TO THE COASTAL AND MARINE AREA ACT

2011(instructing solicitor and counsel)

Whereas I have signed an authority to act for counsel with then an instructing solicitor to be nominated by me I instruct the following to be respectively my instructing solicitor (Foster Milroy) and Charl Hirschfeld and others of his chambers to be counsel

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For the avoidance of doubt Charl Hirschfeld will be leading the case and he will be remunerated by me unless I instruct otherwise. I also instruct that the court proceedings in this case be filed in the Auckland High Court.

My contact details are as follows:

Name: Tracy Francis Hillier
Email: shinningstarspreschool@tra.co.nz
Phone: 027 459 9734
Address: 1 Potts Ave, Orotiki 3122
Signed: Tracy F. Hillier
Date: 2nd April 2017

As the undersigned above I understand that the instructions relate to

- Customary marine title and protected customary rights concerning my iwi, hapū or whānau under legislative recognised relationships in connection with certain parts of the marine and coastal area.